



CITY OF MANCHESTER, NEW HAMPSHIRE

WELFARE DEPARTMENT

GENERAL ASSISTANCE GUIDELINES

**OUR MISSION**

We provide emergency assistance to individuals and families who lack adequate resources. We are facilitators in that we direct those in need to relief agencies, i.e., federal, state, non-profit, etc. therefore reducing the burden on our departmental budget and the Manchester Taxpayers. We strive to promote self-reliance and independence in all we serve so they may become productive citizens.

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Appendix 1 – RSA 165

Appendix 2 – RSA 641

**I. DEFINITIONS:** as used in these Guidelines, the following terms have the indicated meaning:

**APPLICANT:** A person who expresses a desire to receive General Assistance.

**APPLICATION (RE-APPLICATION):** Written action by which a person requests assistance from a Welfare Official. This application must be on the form provided by the Welfare Department. The completion of a written application form generates the applicant's right to a Notice of Decision.

**ARREARAGES:** Past due amounts on bills for basic needs; debts that remain after part of an overdue debt has been paid.

**ASSETS:** All cash, real estate property, personal property and future interests owned by the applicant; including annuities, insurance awards, expectancies and retroactive government and insurance payments, etc.

**AVAILABLE LIQUID ASSETS:** Amount of liquid assets after exclusions enumerated in SECTION IX (D) 1. Includes cash on hand, checking accounts, bank deposits, credit union accounts, stocks, bonds, securities and income tax refunds. IRA (Individual Retirement Account), 401K accounts and insurance policies with a loan value and non-essential personal property shall be considered as available liquid assets when they have been converted into cash.

**CASE RECORD:** Official files containing forms, correspondence and narrative records pertaining to the application. Will include determination of eligibility, reasons for decisions and action by the Welfare Official and types of assistance.

**CLAIMANT:** A recipient or applicant who has requested a Fair Hearing, either in person or through an authorized representative.

**CLIENT:** A person utilizing the services of a social agency.

**COMPLIANCE:** Conformity in fulfilling official requirements.

**ELIGIBILITY:** Determination by the Welfare Official, with the assistance of the Guidelines, of a person's inability to support himself/herself, and therefore, the need for General Assistance.

**FAIR HEARING:** A hearing, in accordance with the standards in Section XIII, which the applicant may request to contest a denial, termination or reduction of assistance. A hearing will be held before an impartial person or persons having no prior knowledge of the case.

**FAMILY UNIT:** Includes the applicant/recipient and persons residing with him/her in the relationship of father, mother, stepfather, stepmother, son, daughter, husband or wife, and/or any adult (including an unrelated person) who resides with the applicant/recipient "in loco parentis" (in the role of substitute parent) to a minor child. A person "in loco parentis" is one who intentionally accepts the rights and duties of a natural parent with respect to a child not his/her own and who has lived with the child long enough to form a psychological family. The term "Family Unit" is used to signify those persons financially responsible for one another by law as opposed to a "Household" whose residents share living quarters, but are not financially liable for each other unless they request to be treated as such. However, when two unrelated, unmarried adults produce a child and are not married but live together, this department considers them a "family unit" with the adults also being financially responsible for each other unless they can document exceptional circumstances.

**GENERAL ASSISTANCE:** The term used for local welfare programs administered and funded by each city and town in New Hampshire.

**HOUSEHOLD:** The total number of persons (related or unrelated) living together who share in or benefit from shelter/food expenses. The individuals share living quarters, but are not financially liable for each other unless they request to be treated as such.

[Expenses which are shared (rent, utilities, etc.) are divided pro rata for the purposes of calculating the applicant's need, based on the total number of persons in the household.

**However, the total shelter cost must approximate the shelter Guideline amounts for the household size.** (For example, three unrelated adults share an apartment, one applies for assistance, rental assistance is determined as one-third of the total shelter cost for three people and the **total** shelter cost for all three must approximate the Guideline amounts for a household of three.]

**LIABILITY FOR SUPPORT:** Those persons deemed by New Hampshire Law to have financial responsibility for anyone applying for General Assistance, for example, adult children for parents, parents for adult children and husbands and wives for each other. Also, the process by which liable relatives are made aware of their statutory financial responsibility.

**MINOR:** A person who has not attained the age of 18 years. Note that a minor's residence is always that of the custodial parent.

**NEED:** The basic maintenance and support requirements of a person, as determined by a Welfare Official under the standards of SECTION IX (E) of these Guidelines.

**NON-RESIDENT:** A person temporarily in Manchester while his/her residence is elsewhere. Non-residency does not preclude General Assistance, however, assistance will be of a temporary and reasonable nature given his/her temporary status. Duplication of resources available through his/her city or town of residence will be avoided except in cases of emergency. Cities or towns will be contacted for reimbursement.

**NOTICE OF DECISION:** Written grounds for approval or denial of an application detailing the amount and type of assistance issued, and/or the type of assistance pending further verification. Additionally, it contains the caseworker's name, date of applicant's next appointment, and a list of all the information to be provided by the applicant at the next appointment.

**REAL ESTATE:** Land, structures and fixtures attached to it.

**RECIPIENT:** A person who is receiving General Assistance.

**REIMBURSEMENT:** Each recipient who becomes financially able must reimburse the City of Manchester for assistance rendered when asked to do so. Reimbursement will be determined by the Department taking into consideration all necessary current and future obligations, however, each recipient must understand that General Assistance reimbursement takes priority over all other expenses of less than a necessary nature as determined by the Department. The City of Manchester Welfare Department may also, as provided by State Law, take a lien on real estate or civil judgments in the amount of assistance rendered (RSA 165:28, 28-a).

**RESIDENCE:** Residence or residency shall mean a person's place of abode or domicile. The place of abode or domicile is that place designated by a person as his/her principal place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by temporary absence from it, if there is intent to return to such residency as the principal place of physical presence. RSA 165:1 (I); 21:6-a. If another municipality moves a client into the City of Manchester, they should pay for the first 30 days of assistance according to the New Hampshire Welfare Administrators Association's ethics policy.

**RESIDENT:** A person who has a residence within the city of Manchester.

**RESIDENTIAL UNIT:** All persons physically residing with the applicant, including persons in the applicant's household and those not within the household.

**ROOMMATE:** A person(s) who is/are financially responsible for himself/themselves and living with a recipient(s) of General Assistance. Persons living together as if married are expected to be responsible for each other to the extent that they are able.

**SUSPENSION:** Cessation of benefits due to non-compliance.

**TERMINATION:** *Cessation of benefits due to misrepresentation pursuant to RSA 641-3.*

**VOUCHER SYSTEM:** The system whereby a Welfare Official issues vouchers (authorizations for payment) directly to the recipient's vendors and creditors rather than cash to the recipient. RSA 165:1 (III). (See SECTION VII).

**WELFARE COMMISSIONER:** The Welfare Commissioner of the City of Manchester is an elected official (2 year term) charged with operating the Welfare Department in accordance with municipal, state and federal legislation.

**WELFARE OFFICIAL:** The official of the town or city, or his/her designee, who performs the function of administering General Assistance. Such person has the authority to make all decisions regarding the granting of assistance under RSA 165, subject to the overall fiscal responsibility vested in the Board of Mayor and Aldermen. The term includes "overseers of public welfare" (RSA 165:1) and "administrator of town or city welfare" (RSA 165:2).

**WORK PROGRAM:** The City of Manchester Welfare Program which requires recipients who are physically able to work for the City in return for assistance at any job within the person's capacity. Consideration will be given for transportation problems, mental and physical impairments, as well as legitimate and verifiable employment, health and other appointments and obligations of a necessary nature. There are no wages paid. The recipient reimburses the City of Manchester Welfare Department at the going rate for the particular job they are doing for General Assistance provided.

## **II. SEVERABILITY**

If any provision of these Guidelines is held at law to be invalid or inapplicable to any person or circumstances the remaining provisions will continue in full force and effect.

## **III. CONFIDENTIALITY OF INFORMATION**

Information given by or about an applicant or recipient of General Assistance is confidential and privileged, and is not a public record under the provisions of RSA 91-A. Such information will not be published, released or discussed with any individual except when disclosure is required by law, or when necessary to carry out the purpose of RSA 165. RSA 165:2-c.

## **IV. ROLES OF LOCAL GOVERNING BODY & WELFARE COMMISSIONER**

The responsibility for the day-to-day administration of the General Assistance Program shall be vested in the elected Welfare Commissioner of the City of Manchester. The Welfare Commissioner shall administer the General Assistance Program in accordance with these written City of Manchester General Assistance Guidelines. The local governing body (Board of Mayor and Aldermen) is responsible for the adoption of the Guidelines relative to General Assistance. RSA 165:1 (II).

## **V. MAINTENANCE OF RECORDS**

- A. Each Welfare Commissioner is required by law to keep complete records of General Assistance. In addition to general statistical records concerning the number of persons given assistance and the cost for such support, a separate case record shall be established for each individual or family applying for General Assistance. (RSA 41:46)
- B. The purposes for keeping complete records of General Assistance are:
  - 1. To provide a valid basis of accounting for expenditure of the municipality's funds.
  - 2. To support decisions concerning the applicant's eligibility (especially important if a Welfare Official should be required to prove in court that assistance was granted equitably).
  - 3. To assure availability of information if the applicant or recipient seeks administrative or judicial review of the Welfare Official's decision.
  - 4. To provide social welfare agencies with accurate statistical information, including the number of persons assisted and the amount of money spent for their support, in order that taxpayers and officials may be aware of the scope of the General Assistance Program. RSA 165:2-c requires that an itemized account of all General Assistance furnished (without recipients' names) be released to any citizen requesting it.
  - 5. To provide a complete history of an applicant's assistance that might aid a welfare agency in the effort to rehabilitate the applicant (subject to the Guidelines on the confidentiality of such information).

- C. The Welfare Official shall maintain case records containing the following information:
1. The complete application for assistance.
  2. Written grounds for approval or denial of an application, contained in a Notice of Decision.
  3. A narrative history recording need for relief, the results of home visits, if any, collateral information, referrals, changes in status, etc.
  4. A tally sheet which has complete data concerning the type, amount and dates of assistance given for purposes of reimbursement.
  5. A signed authorization by the applicant allowing the Welfare Official to release, obtain or verify any pertinent information in the course of determining eligibility of an applicant/recipient, and a completed Welfare Work Program contract, if applicable. Communications between the Welfare Official and Board of Mayor and Aldermen shall not be part of the case record, but shall be confidential.

## **VI. APPLICATION PROCESS**

### **A. Right to Apply**

1. Anyone may apply for General Assistance by appearing in person or through an authorized representative and by completing a written application form. Clients are seen by appointment. If more than one adult resides in a household, each may be required to appear at the Welfare Office to apply for assistance, unless one is working or otherwise reasonably unavailable. Each adult in the household must sign a "Release of Information" found on the Application form.
2. The Welfare Official shall not be required to accept an application for General Assistance from a person who is subject to a suspension pursuant to RSA 165: 1b, provided that any person who contests a determination of continuing noncompliance with the Guidelines may request a Fair Hearing; and provided further that a recipient who has been suspended for at least six (6) months due to noncompliance may file a new application.

### **B. Welfare Official's Responsibilities**

When application is made for General Assistance, the Welfare Official shall inform the applicant of those pertinent sections enumerated below, when appropriate.

1. The requirement that a completed application contains all necessary information including: the applicant's signature agreeing to the reimbursement, the signature allowing the Department to contact all necessary agencies for investigation and verification, and that they have given, read and understood (or the application has been read to them) all information. An uncompleted application may be grounds for denial of assistance.
2. Eligibility requirements, including a general description of the Guideline's amounts and the eligibility formula.

3. Having to screen applicants based on emergency priorities, such as: no food, no place to stay, no heat (during heating months), no electricity, no ability to purchase necessary medical care. Screening means that applicants who are not in an emergency situation (whose difficulties, if not addressed today, would not jeopardize the health or safety of any family member) as determined by written application or oral interview or both, would: (A) Be asked to return another day, (B) Be referred to an agency or resource which will provide the assistance needed, (C) Be given an appointment date and time to return for an interview.
4. Having to refer applicant(s) requiring emergency assistance to agencies or resources who have agreed to provide emergency, temporary assistance which will meet the needs of the applicant(s) until an appointment can be arranged.
5. The requirement as a recipient of having a stated date and time to come in to receive assistance and that failure to keep appointments, with or without verifiable good cause could result in a delay in receiving or loss of assistance. Loss of assistance can occur when the applicant fails to make contact with the Department for more than one week without verifiable good cause after having been requested to do so.
6. Their responsibility to provide documentation of all claims, such as identification for all household members, receipts for expenditures, documentation of employment, documentation of application for other programs which would reduce or eliminate the need for General Assistance, documentation of income, loss of employment and any other similar claims materially affecting eligibility.
7. The necessity of applying for or taking advantage of other resources which could reduce the need for or eliminate General Assistance.
8. The need to relocate to more affordable housing based on client's anticipated income if deemed necessary by the Welfare Official. Every effort will be made to maintain applicants and recipients in their own housing unless it is clear that to do so would probably require a continuing subsidy from the Department. Decisions will be based on anticipated, probable income.
9. The Welfare Official may make home visits to verify information at his/her discretion and in the least intrusive manner.
10. The necessity of referral to a shelter for families or individuals currently without housing and/or income.
11. The joint responsibility of both the Welfare Official and applicant in exploring the facts concerning eligibility, needs and resources.
12. The applicant's responsibility for accurately and truthfully reporting all facts necessary in determining eligibility.
13. The fact that an investigation will be conducted in order to further substantiate facts and statements as presented by the client and that this investigation will take place prior to, during and subsequent to the applicant's receipt of General Assistance.
14. The applicant responsibility for notifying the Welfare Official of any change in circumstances which would affect eligibility.
15. The applicant's right to a Fair Hearing, and the manner in which the review may be obtained.
16. The applicant's responsibilities as set forth in Section C.
17. The requirement of working on the Welfare Work Program, if physically and mentally capable.



18. The statutory requirement of placing a lien on any real property owned by the recipient, or any settlements, for any assistance given, except for verifiable good cause and approved by the Commissioner or Deputy Commissioner. The applicant will be made aware of the lien in that it will be noted on the Notice of Decision which the applicant signs. Such document will be recorded at the Hillsborough County Registry of Deeds per RSA 165:28. However, neither the absence of signature of the applicant on the Notice of Decision nor the failure to record such lien document shall diminish the validity of the lien. The Welfare Department also has the right to place liens on civil judgments per RSA 165:28a.
19. The requirement of reimbursement of all assistance when returned to an income status and when the income is more than that required to provide a reasonable subsistence compatible with decency and health.
20. The applicant's right to review the Guidelines, and the responsibilities as set forth in the Guidelines.

**C. Responsibilities of Each Applicant and Recipient**

At the time of the initial application and at all times thereafter, the applicant/recipient has the following responsibilities:

1. To provide accurate, complete and current information concerning needs and resources and the whereabouts and circumstances of relatives who may be responsible under RSA 165:19.
2. To provide identification and documentation of income and resources on all household members applying for assistance, including medical records if disability is claimed and any other pertinent information when requested.
3. To apply for and/or take advantage of any benefits and resources, public or private, that will reduce or eliminate the need for General Assistance within one week of being requested to do so.
4. To notify the Welfare Office within 72 hours when a change in needs or resources may affect eligibility for continuing assistance.
5. Within 7 days of application, to apply for and utilize any benefits or resources, public or private, that will reduce or eliminate the need for General Assistance.
6. To keep all appointments.
7. To notify the Welfare Official within 72 hours of a change of address and any changes in the members of the household or family unit.
8. To diligently search for employment and provide verification of work search, contacting at least 20 places of employment per week, following the determination of eligibility for assistance.
9. To accept employment when offered.
10. To be available for full-time work.
11. To provide a doctor's statement as to the level of work that can be performed by the recipient if the recipient claims an inability to work due to medical problems.
12. To participate in the Welfare Work Program if appropriate once assistance has been granted.

An applicant shall be denied assistance if he/she fails to fulfill any of these responsibilities without reasonable and verifiable justification.

A recipient's assistance may be terminated or suspended for failure to fulfill any of these responsibilities without reasonable and verifiable justification.

Disqualification for General Assistance may occur as set forth in RSA 165:1-b.

Any person may be denied or terminated from General Assistance, in accordance with the Manchester Welfare Guidelines or may be prosecuted for a criminal offense if he/she, by means of intentionally false statements, omissions, intentional misrepresentation, by impersonation, or other willfully fraudulent act or device, obtains or attempts to obtain any assistance to which he/she is not entitled. RSA 641:3.

**NOTE:** Applicant(s)/Recipient(s) who claim their money or vouchers were stolen, must report these incidents to the appropriate police jurisdiction where the incident occurred. Applicant(s)/Recipient(s) will provide proof that the incident has been reported.

#### **D. Actions on Applications**

1. Decision. Unless an application is withdrawn, the Welfare Official shall make a decision concerning the applicant's eligibility within five (5) working days after completion of the written application. A written Notice of Decision shall be delivered or mailed on the same day or next working day following the making of the decision. The Notice of Decision shall state that assistance of a specific kind and amount has been given and the time period of aid, or that the application has been denied, in whole or in part, with reasons for denial. The Notice of Decision shall contain a First Notice of conditions and shall notify the applicant of his/her right to a Fair Hearing if dissatisfied with the Welfare Official's decision.
2. Emergency Assistance. At the time of initial contact, if the applicant demonstrates and verifies that an immediate need exists in which the applicant may suffer a loss of a basic necessity of living or imminent threat to life or health (such as loss of shelter, heat sources in winter, lack of food or prescriptions), then temporary aid to fill such immediate need shall be given no later than 72 hours from the time of the request. Such emergency assistance shall not obligate the Welfare Official to provide further assistance after the application process is completed.
3. Temporary Assistance. In circumstances where required records are not available, the Welfare Official may give temporary approval to an applicant pending receipt of required documents. Temporary status shall not extend beyond one week.

4. Withdrawn Applications. An application shall be considered withdrawn if:
- a. The applicant has refused to complete an application or has refused to make a good-faith effort to provide required verifications and sufficient information for the completion of an application. If an application is deemed withdrawn for these reasons, the Welfare Official shall so notify the applicant in a written Notice of Decision.
  - b. The applicant dies before assistance is rendered.
  - c. The applicant avails himself/herself of other resources in place of assistance.
  - d. The applicant requests that the application be withdrawn (preferably in writing).

**E. Home Visits**

A home visit may be made to any applicant/recipient only when it is determined necessary for the Welfare Official to understand all the services needed to help the applicant, or whenever there is a reasonable basis for such home visit.

The home visit shall be conducted in such a manner as to preserve, to the greatest extent possible, the privacy and dignity of the applicant(s) / recipient(s). The Welfare Official conducting the visit shall be polite and courteous, and shall not knowingly discuss or mention the application within the listening area of someone who is not a member of the household or family unit.

All home visits shall be pre-arranged, and shall take place between the hours of 9 am and 5 pm on weekdays, unless the applicant is unavailable and requests otherwise.

During the home visit the Welfare Official may discuss any noticeable applicable housing code violations with the applicant and may report all violations to proper authorities. The Welfare Official will follow up on all reported violations and may insure that reprisal actions taken by the landlord are also reported to proper authorities.

A home visit may, with the consent of the applicant/recipient, be used as an alternative form of verification when other forms are unavailable.

## **VII. VERIFICATION OF INFORMATION**

Any investigation of need or eligibility shall be conducted in a professional manner with the intent to verify eligibility.

A. Verification will normally be required of the following:

1. Applicant's address.
2. Names of persons in applicant's household residential unit or family unit.
3. Picture identification(s), birth certificate(s), and social security card(s). Immigration and Naturalization Service documentation for applicant(s) and household members, where applicable.
4. Proof of physical custody of children.
5. Applicant's and household's/family unit's income and assets.
6. Applicant's and household's/family unit's financial obligations.
7. The physical and mental condition of household/family unit members, only when relevant to their receipt of assistance, such as ability to work, determination of needs or referrals to other forms of assistance.
8. Any special circumstances claimed by applicant.
9. Applicant's employment status and availability in the labor market.
10. Names, addresses, and employment status of potentially liable relatives.
11. Utility costs.
12. Housing costs.
13. Facts relevant to the applicant's residence.
14. Names, addresses, and employment status of individuals potentially liable to the City for reimbursement of benefits provided. RSA 165:19.

B. Verification may be made through records provided by the applicant (for example, birth and marriage certificates, pay stubs, paychecks, rent receipts, bankbooks, etc.) as primary sources. The failure of the applicant to bring such records does not affect the Welfare Official's responsibility to process the application promptly. The Welfare Official shall inform the applicant what records are necessary and the applicant is required to produce records within seven (7) days.

C. Verification may also be made through other sources, such as relatives, employers, banks, school personnel, and social or government agencies. The cashier of a national bank or a treasurer of a savings and trust company is authorized by law to furnish information regarding amounts deposited to the credit of a recipient. RSA 165:4.

D. When information is sought from such other sources, the Welfare Official shall explain to the applicant or recipient what information is desired, how it will be used and the necessity of obtaining it in order to establish eligibility. Before contact is made with any other source, the Welfare Official shall obtain written consent of the applicant or recipient, unless the Welfare Official has reasonable grounds to suspect fraud. In the case of suspected fraud, the Welfare Official shall carefully record his/her reasons and actions. The applicant(s)/recipients shall be given an opportunity to explain or clarify the suspicious circumstances.

- D. Should the applicant or recipient refuse comment and/or indicate an unwillingness to have the Welfare Official seek further information that is necessary, assistance will be denied for lack of eligibility verification.

#### **VIII. RSA 641-3**

- A. Misrepresentation of information by applicants/clients will result in termination of assistance and prosecution under the provisions of RSA 641-3.
- B. The amount of assistance provided will determine the termination period as listed below:
  - 1. If total of assistance issued is between \$0 and \$1,000, assistance will be terminated for six (6) months.
  - 2. If total of assistance issued exceeds \$1,000, assistance will be terminated for twelve (12) months.

#### **IX. DISBURSEMENTS**

- A. The City of Manchester pays vouchers directly to vendors or creditors up to the dollar amount designated on the voucher, or for the actual amount listed on an itemized bill or register tape if less than the voucher amount. The City of Manchester will not pay any amount in excess of the amount listed on the voucher. A recipient must not change the amount listed on the voucher. A recipient must sign the voucher to insure proper usage. Tobacco products, alcoholic beverages, pet food, magazines, plants, cards, and children's toys cannot be purchased with the food or maintenance vouchers. It is the responsibility of the applicant to safeguard from theft, loss or misuse of any voucher he/she receives. No replacement voucher will be issued if the original is lost, stolen, misplaced, or misused unless authorized by the Commissioner or Deputy Commissioner.
- B. All assistance rendered will be in the form of vouchers or checks directly payable to the vendor providing the service, and in accordance with the general regulations below:
  - 1. Rent may only be made payable to the owner of the property unless the Department is in receipt of a notarized Agent Authorization Form generated by the Department which allows otherwise. No rent payment will be made until a Landlord Form generated by the Department has been completed. Forms not generated by this Department will not be honored. Only property owner or authorized agents as noted above will be recognized as having the authority to complete the Landlord Form. To be issued payment, the vendor must be on the City of Manchester's vendor file. To be placed on this file, the vendor must supply the City's Finance Department with a completed current W-9 form and any other documentation required by the City's Finance Department.
  - 2. The rental assistance form is to be considered a legal document upon which the Department relies in determining eligibility. The information is expected to be accurate and true. Forms which misrepresent or inaccurately report information for the purposes of obtaining assistance which otherwise may not be issued will be grounds for stopping payment. Legal action may also be taken. Vouchers must be used either on the day issued or the day after. The following prohibited food and miscellaneous items may not be purchased using the voucher: alcoholic beverages/mixers; lobster, shrimp, crabmeat; expensive cuts of meat; gourmet food; cases of soda; expensive bakery and deli items; pet food and pet products; batteries and film; greeting cards,

magazines and tabloids; hairspray, mousse and gel; perfume, after shave and cologne' VCR/cassette tapes; tobacco products; lighter fluid and lighters; wrapping paper; toys. Prohibited food and miscellaneous items are listed on the back of the voucher. Stores allowing those items to be purchased will not be reimbursed. All other items, including paper products are allowed, but discouraged. A maintenance voucher may be used for other than food items. All stores receiving food, maintenance or diaper vouchers must attach the cash register tape to the voucher in order to be reimbursed. Only the amount used will be reimbursed.

3. All authorizations are one time only, each authorization requiring individual approval.
4. The vendor has 60 days in which to return the voucher for payment. None will be honored after that time. The total value of each voucher will not exceed \$900.00, and vouchers exceeding that amount will need approval of the Commissioner or Deputy Commissioner.
5. No assistance will be rendered for periods prior to the date of application with the exception of obtaining for the client that which is necessary and cannot be obtained without the Department's assistance. Application for rental assistance is generally considered to be for the full week when the applicant applies.
6. The amount of assistance provided will be negotiated whenever possible. The Department will always attempt to provide what is necessary for the least cost possible. If negotiation is not possible, the least expensive appropriate alternative will be sought.
7. The Department will not pay charges, which do not directly represent an actual service or item except when there is no other alternative or as provided by law. Examples include late charges, security deposits, storage charges, key charges, damages, etc.
8. Landlords accepting vouchers for payment in instances where their tenants are under eviction automatically waive the eviction proceedings. Failure to waive the proceedings may result in legal action.

## **X. DETERMINATION OF ELIGIBILITY AND AMOUNT**

### **A. Eligibility Formula**

An applicant is eligible to receive assistance when:

1. The applicant meets the non-financial eligibility factors, and
2. When the applicant's basic maintenance needs\* exceed available income plus available liquid assets. If available income and available liquid assets exceed the basic maintenance need (as determined by the Guideline amounts), the person is not eligible for General Assistance. If the need exceeds the available income/assets, the amount of assistance shall be the difference between the two amounts, in the absence of circumstances justifying an exception.
3. The City of Manchester is authorized pursuant to RSA 165:1 e, to deem as income all or any portion of any qualified state assistance reduction resulting from the failure of an applicant for General Assistance to comply with State assistance requirements. The amount of the reduction will be calculated in determination of eligibility. (Effective 8/2/1996).

**\*NOTE:** Applicants must first and foremost utilize resources for basic needs: rent, food (minus Food Stamp allotment), cleaning and hygiene items, utilities and prescriptions. Applicants must provide dated and signed receipts. **Credit card payments, rent-to-own furniture, cable services, internet service and repayment of personal loans are examples of non-basic needs.**

B. Legal Standard and Interpretation

"Whenever a person in any town is poor and unable to support himself/herself, he/she shall be relieved and maintained by the Overseers of Welfare of such town, whether or not he/she has residence there." RSA 165:1.

1. A person cannot be denied assistance solely because he/she is not a resident.
2. "Whenever" means at any or whatever times that person is poor and unable to support himself/herself
  - a. The Welfare Official shall be available during normal working hours.
  - b. The eligibility of an applicant for General Assistance shall be determined at the time of application if an emergency, or within seven (7) working days.
  - c. Assistance shall begin as soon as the person is determined eligible.
3. "Poor and unable to support" means that an individual lacks income and available liquid assets to adequately provide for the basic maintenance needs for himself/herself or family as determined by the Guidelines.
4. "Relieved" means a person shall be assisted, as the Welfare Official shall determine, to meet those basic needs.
5. "Maintained" means to be continued on assistance as long as eligible.

C. Non-Financial Eligibility Factors

1. Age. Age is not a factor in determining whether or not a person may receive General Assistance. However, age may make certain persons ineligible for other kinds of state or federal assistance.
2. Minors. Minor applicants shall be referred to Protective Services of the Division of Children, Youth, and Families for case management. Minors have the residence of their parent(s) or legal guardian(s). Minors are the financial responsibility of their parent(s) or legal guardian(s).
3. Residence. Residence and residency shall mean a person's place of abode or domicile. The place of abode or domicile is that designated by a person as his/her principle place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it if there is an intent to return to such residence or residency as the principal place of physical presence (RSA 21:6).
4. Support Actions. No applicant or recipient shall be compelled, as a condition of eligibility or continued receipt of assistance, to take any legal action against any other person. The City of Manchester may

pursue recovery against legally liable persons or governmental units. See Section XVI.

6. Eligibility for Other Categorical Assistance. Applicants or recipients, who are eligible for any other form of public assistance, must apply for such assistance immediately, but no later than seven (7) days after being advised to do so by the Welfare Official. Failure to do so may render the applicant or recipient ineligible for assistance.
7. Employment. A person who is gainfully employed, but whose income and assets are not sufficient to meet necessary family expenses, may be eligible to receive General Assistance. However, recipients who without verifiable good cause refuse a job offer or referral to suitable employment, participation in the Welfare Work Program (RS A 165:31), or who voluntarily leave a job (RSA 165:1 d) may be ineligible for continuing General Assistance in accordance with the procedures for suspension outlined in the Guidelines. The Welfare Official shall first determine whether there is verifiable good cause for such refusal, taking into account the ability and physical and mental capacity of the person, transportation problems, working conditions that might involve risks to health or safety, lack of adequate child care, lack of workers compensation protection, or any other factors that might make refusing a job reasonable. These employment requirements shall extend to all adult members of the household/family unit.
8. Work Search. Provide proof that recipient(s) is / are utilizing the New Hampshire Department of Employment Security's Job and Information Resource Center. All unemployed recipients and adult members of their household, within seven (7) days after having been granted assistance, shall provide proof that they are utilizing the Job Information Resource (entered to find work and conducted a reasonable verified job search as determined by the Welfare Official). Each recipient must apply for employment to each employer to which he/she is referred to by the Welfare Official. These work search requirements apply unless the recipient or other adult member of the household is:
  - a. Gainfully employed full-time
  - b. A dependent 18 years of age or under who is regularly attending school
  - c. Unable to work due to a verifiable debilitating condition.
  - d. Unable to work due to illness or to a mental or physical disability of himself/herself or another member of the household/family unit verified by a doctor's note.
  - e. Is solely responsible for the care of a child aged three (3) or under. A person responsible for the care of a child aged six (6) through twelve (12) shall not be excused from work search requirements, but shall be deemed to have verifiable good cause to refuse a job requiring work during hours the child is not actually in school, if there is no responsible person available to provide care and no other care is available. A person will be asked to demonstrate contacts made to locate childcare.



The Welfare Official shall give all necessary and reasonable assistance to ensure compliance with work placement requirements, including the granting of allowance for transportation. Failure of a recipient to comply with these requirements without verifiable good cause will be reason for denial or suspension of assistance.

9. Voluntary Quit Law. Applicant(s) / Recipient(s) subject to the New Hampshire Voluntary Quit Law shall become ineligible for assistance as provided by law. RSA 165:1-d
10. Students. Students must be employed full time or be available for and seeking full time employment in order to be eligible for General Assistance.
11. Employment of Household/Family Unit Members. All adults aged 18 to 65, who live in the same household/family unit as the recipient and who are related to the recipient or legally liable to contribute to the recipient's support are obligated to comply with the employment requirements of these Guidelines or participation in the Welfare Work Program unless they are either regularly attending school, employed on a full-time basis, or are prevented from maintaining employment and contributing to the support of the person by reason of physical or mental disability which is verifiable.
12. The Welfare Official may waive this requirement where failure of the other household/family unit members to comply is not the fault of the recipient and the Welfare Official decides it would be unreasonable for the recipient to establish a separate household. The Welfare Official may suspend the non-compliant recipient(s).

D. Available Assets

1. Available Liquid Assets. Cash on hand, bank deposits, credit union accounts and securities are available liquid assets, Insurance policies with loan value and nonessential personal property may be considered as available liquid assets when they have been converted to cash. The Welfare Official shall allow a reasonable time for such conversion. However, tools of a trade, livestock and farm equipment, and necessary and ordinary household goods are essential items of personal property, which shall not be considered as available assets.
2. Automobile Ownership. The ownership of one automobile by an applicant/recipient or their dependent(s) does not affect eligibility if it is essential for: medical or rehabilitation services, transportation to and from employment, or it is essential for use necessary to the maintenance of the individual or family. Essential means that there is no other transportation available. Car payments will not be considered justifiable expenses when determining eligibility. The cost of purchase and maintenance of a necessary vehicle must be appropriate to the applicant's/recipient's income. A new or luxury vehicle must be considered as a liquid asset and converted to cash prior to eligibility for anything other than extreme emergency.

3. Insurance. The ownership of insurance policies does not affect eligibility. However, when a policy has cash or loan value, the applicant will be required to obtain and/or borrow all available funds, which shall then be considered available assets. Premium payment shall not be included as "need" in determining eligibility or amount of aid.
4. Real Estate. The type and amount of real estate owned by an applicant does not affect eligibility, although rent or other such income from property should be considered as available to meet need. Applicants owning real estate property, other than that occupied as a home, shall be expected to make reasonable efforts to dispose of it at fair market value. Applicants shall be informed that a lien covering the amount of any General Assistance they receive shall be placed against any real estate they own. (RSA 165:28). The Welfare Official shall not make mortgage payments when the applicant has a co-signer on the note.
5. Property Transfers. No person who is otherwise eligible shall receive such assistance if he/she has made an assignment, transfer or conveyance of property for the purpose of rendering himself/herself eligible for assistance within three (3) years immediately preceding his/her application. RSA 165:2b.

E. Standard of Need

The basic financial requirement for General Assistance is that a person be poor and unable to support himself/herself. A person shall be considered poor when he/she has insufficient available income/assets to purchase either for himself/herself or dependents any of the following:

1. Shelter: The amount to be included as "need" for shelter is the cost of rent or mortgage necessary to actually provide shelter. Such cost shall be determined in accordance with subparagraph 10 below.
  - a. Shelter arrearages may be included in the "need" formula if and only if such payment is necessary to prevent eviction or foreclosure or to protect the health and safety of the household/family unit. However, if the amount of such mortgage or rental arrearage substantially exceeds the cost of alternative, available housing which complies with local health and housing code standards, or the payment of arrears will not prevent eviction or foreclosure, the Welfare Official may instead authorize payment of rent, and/or reasonable relocation expenses for such alternative housing if, under the circumstances of the case, it is reasonable to do so.
  - b. Whenever a relative of an applicant is also the landlord for the applicant, that landlord will be presumed able to assist his/her relatives pursuant to RSA 165:19, and must prove an inability to assist before any aid payment for shelter is made.

- c. In cases in which the City of Manchester has made an appropriate referral, for emergency, temporary shelter and the applicant refuses to accept such a referral, the City may suspend the applicant by refusing to pay for alternative emergency shelter, but may not suspend the applicant by denying other forms of assistance to which he/she is otherwise entitled.

2. Utilities

When utility costs are not included in the shelter expense, the most recent typical monthly utility bill will be included as part of "need" by the Welfare Official. Arrearages will not normally be included in "need" except as set forth below: utilities must be in the client name in order to render assistance.

- a. Arrearages. Arrearages will not be included except when necessary to ensure the health and safety of the applicant household or to prevent termination of utility service.
- b. Electric Arrearages. Arrearages for electric service need not be paid if the Welfare Official notifies the electric company that the municipality guarantees payment of current bill, in accordance with the rules of the New Hampshire Public Utilities Commission relating to electric utilities.
- c. Restoration of Service. When utility service has been terminated and the Welfare Official has determined that alternative utility service is not available and alternative shelter is not feasible arrearages may be included in "need" when restoration of service is necessary to ensure the health and safety of the applicant household/family unit. The Welfare Official may negotiate with the utility for payment of less than the full amount of the arrears and/or may attempt to arrange a repayment plan to obtain restoration of service.
- d. Restoration of Electric Service. When electric service has been terminated and restoration is required, arrearages may either be included as set forth in Paragraph c. above, or may be paid in accordance with a reasonable payment plan entered into by the applicant and the electric company, if the Welfare Official notifies the electric company that the municipality agrees to pay current bill.

- 3. Food. The amount included as "need" for food purchases will be in accordance with the most recent standard food stamp allotment, as determined under the food stamp program administered by the New Hampshire Department of Health and Human Services per RSA 161:12 (XIII). More than the food stamp allotment may be granted if a physician has stated in writing that one or more members of the household needs a special diet, the cost of which is greater than can be purchased with the family's allotment of food stamps.
- 4. Telephone. Generally, a telephone is not considered a basic need, however if the absence of a telephone would create an unreasonable risk to the recipient's health or safety (verifiable in writing by a physician) or for other verifiable good cause as determined by the Welfare Commissioner or Deputy Commissioner, the lowest available basic monthly rate will be budgeted as "need."

5. Transportation. If the Welfare Official determines that transportation is necessary (e.g., for health or medical reasons, to maintain employment, or to comply with conditions of assistance), "need" should include the costs of public transportation.
6. Maintenance of Insurance. In the event that the Welfare Commissioner or Deputy Commissioner determines that the maintenance of medical insurance is essential, an applicant may include as "need" the reasonable cost of such premiums.
7. Emergency and Other Expenses. In the event that the applicant has the following current expenses, the actual cost shall be included as emergency and other expenses to determine eligibility and amount of assistance:
  - a. Medical Expenses. The Welfare Official shall not include amounts for medical, dental or eye services unless the recipient or applicant can verify that all other potential sources have been investigated and that there is no source of assistance other than local Welfare. Other sources to be considered shall include state and federal programs, local and area clinics, area service organizations and area hospital programs designed for such needs. When a person applies for medical service, prescriptions, dental service or eye service to the local Welfare Official, he/she must provide written documentation from a doctor, dentist or person licensed to practice optometry in the area, indicating that these services are absolutely necessary and cannot be postponed without creating a significant risk that the applicant or recipient's well-being will be placed in serious jeopardy. The Welfare Official may accept oral verification from the provider, but shall seek written confirmation. Whenever possible, the applicant will seek service from a Medicaid provider physician. If advance payment is required for such medical services, the Welfare Official may approve payment of the fee up to the reimbursable amount set for the procedure by the New Hampshire Medicaid Program. Whenever possible, generic medications should be used unless specified differently by the physician. Any medical expenses exceeding \$100.00 require pre-approval by the Welfare Commissioner or the Deputy Commissioner.
  - b. Legal Expenses. Except for those specifically required by statute, no legal expenses will be included.

- c. Moving Expenses. Moving expenses shall be included in accordance with paragraph E.1.a above and for the expense of returning a person to his/her residence at his/her request pursuant to RSA 165:1-c, unless alternative arrangements are made by the Welfare Official at no cost to the City of Manchester.
  - d. Emergency Clothing. If the applicant has an emergency clothing need which cannot be met in a timely fashion by other community resources (i.e., Salvation Army, Red Cross, church groups), the expense of reasonably meeting that emergency clothing need will be included.
  - e. Miscellaneous. No cost to prevent repossession of any kind, no automobile payments, no registration or licensing costs will be included. No moving expenses shall be included, except those described in 7.c. above. Furniture storage charges shall not be allowed.
  - e. Home Ownership Expenses. Where the applicant owns a home and is otherwise eligible for assistance, payment for property taxes, fire insurance, sewer/water rates and essential repairs may be made as deemed necessary by the Welfare Commissioner or Deputy Commissioner to prevent foreclosure, preserve the home, and promote the health and safety of the applicant. A lien shall be placed on the property according to RSA 165:28.
8. Unusual Needs Not Otherwise Provided For In These Guidelines. If the Welfare Official determines that the applicant's needs have substantially changed, or that strict application of the Standard of Need criteria will result in unnecessary or undue hardship (e.g., needed services are inaccessible to the person), such Official may make minor adjustments in the criteria, or may make allowances using the emergency need standards stated in Section VI (D) (2) and Section XIX of these Guidelines. Any such determination, and the reasons therefore, shall be stated in writing in the applicant's case record.
9. Shared Expenses. If the applicant(s)/recipient(s) household/family unit shares shelter, utility, or other expenses with a non-applicant/recipient (i.e., is part of a residential unit), then "need" should be determined on a pro-rata share, based on the total number of persons in the residential unit and that all pro-rata expenses have been verified to be current (e.g., three persons in a residential unit, but only one applies for assistance. Shelter need is 1/3 of shelter allowance for a household of 3 persons).
10. Maximum Payment Level Determination. The Board of Mayor and Aldermen approve payment levels determined by the Welfare Commissioner for various allowable expenses per standard of need defined in Section VII.E. The maximum payment level for any particular allowable expense shall be based on actual local market conditions and costs. The payment levels shall be reviewed by the Welfare Commissioner, and if warranted, will be updated to current market conditions.

F. Income

In determining eligibility and the amount of assistance, the applicant(s)' standard of need, as determined under paragraph E above, shall be compared to the available income/assets. Computation of income and expenses will be by the week or month. The following items will be included in the computation:

1. Earned Income. Income in cash, tips, or in-kind earned by the applicant(s) or any member of his/her family or household through wages, salary, commissions, or profit, whether self-employed or as an employee, is to be included as income. Rent income and profits from produce sold are included in this category. With respect to self-employment, subtracting business expenses from gross income in accordance with standard accounting principles. When income consists of wages, the amount computed should be that available after income taxes, social security and other payroll deductions required by state, federal, or local law, child care costs, court ordered support payments and work-related clothing costs have been deducted from income. Wages that are trusted, or income similarly unavailable to the applicant or applicant's dependents should not be included.
2. Income or Support From Other Persons. Contributions from relatives or other household members shall be considered as income only if actually available and received by the applicant(s) or recipient(s). The income of non-household members of the applicant(s)' residential unit shall not be counted as income. (Expenses shared with non-household members may affect the level of need, however. See Section IX(E)(9) re: determination of need in cases of non-household residential units.)
3. Income From Other Assistance or Social Insurance Programs.
  - a. State categorical assistance benefits, OAA payments, Social Security payments, VA benefits, unemployment insurance benefits, and payments from other government sources shall be considered income.
  - b. Food Stamps cannot be counted as income pursuant to federal law. 7 USC 2017 (b).
  - c. Fuel Assistance also cannot be counted as income pursuant to federal law. 42 USC 8624 (f) (1).
4. Court-Ordered Support Payments. Alimony and Child Support shall be considered income only if actually received by the applicant(s) or recipient(s).
5. Income from Other Sources. Payment from pension and trust funds and the like shall be considered income. Any income actually available to the applicant(s) from members of his/her household shall be considered as income. Persons in the relationship of father, mother, stepfather, stepmother, son, daughter, husband or wife, are legally liable to support the applicant(s) (RSA 165:19), and therefore may be required to apply jointly with him/her if they are in the same household/family unit.

Any adult (even an unrelated person or roommate) who resides in the same household "in loco parentis" (in the role of substitute parent) to a minor child is liable for contributing to that child's support (RSA 165:32), and thus be required to apply jointly with that household.

For the purposes of determining eligibility under these Guidelines, the income of a member of the household may be considered available to the applicant(s)/recipient(s) if he/she lives together with the applicant(s)/recipient(s) in a single housekeeping unit and shares the facilities.

6. Earnings of a Child. No inquiry shall be made into the earnings of a child 14 years of age or under unless that child makes a regular and substantial contribution to the family.
7. Deemed Income. The Welfare Officer shall deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82, VIII, as set forth in RSA 165:1-e. When applicant(s) / recipient(s) receiving benefits through the Division of Human Services is sanctioned by a reduction in benefits for non-compliance, the amount of income considered available would be the amount the applicant(s) / recipient(s) was/were receiving prior to the sanction.

G. Residents of Shelters For Battered Women and Children.

An applicant/recipient residing in a shelter for battered women and children who had income and other resources, jointly with abusive members of the applicant's/recipient's household/family unit shall be required to cooperate with the normal procedure for the purposes of verification, but may have these resources and income excluded from eligibility determinations unless an agreement exists with a member of the abusive household/family unit to give the shelter household/family unit safe access to joint resources at the time of application. The verification process may be completed through an authorized representative of the shelter of residence. The normal procedure taken in accordance with these Guidelines to recover assistance granted shall not delay assistance.

**XI. NON-RESIDENTS.**

- A. Eligibility. No persons shall be refused assistance solely on the basis of residence. RSA 165:1.
- B. Standards. The application procedure, eligibility standards and standard of need shall be the same for non-residents as for residents.
- C. Verification. Verification records shall not be considered unavailable, nor the applicant's responsibility for providing such records relaxed solely because they are located in the applicant(s)' community of residence.
- D. Temporary or Emergency Aid. The standards for the fulfilling of immediate or emergency needs of non-residents and for temporary assistance pending final decision shall be the same as for residents.

E. Determination of Residence.

1. No determination of residence shall be made unless the applicant(s) request(s) return home transportation (See Paragraph F below), or unless the Welfare Official has some reason to believe the person is of another New Hampshire municipality from which recovery can be made under RSA 165:20.
2. Minors. The residence of a minor shall be presumed to be the residence of his/her custodial parent/guardian.
3. Adults. For competent adults, the standard for determining residence shall be the overall intent of the applicant(s), as set forth in the definition of "residence." The following criteria shall aid the Welfare Official in determining the applicant(s)' residence:
  - a. Does the person have or immediately intend to establish a dwelling place within the municipality?
  - b. Does the person have property, an established dwelling place or employment in any other municipality, to which he/she intends to return?
  - c. Does the person have a present intent to leave the municipality at some specific future time?
  - d. Has the person evidenced his/her domiciliary intent in some manner, such as registering a vehicle, paying residence tax, registering to vote, opening local bank accounts, etc. or does he/she intend to do so in the immediate future?

None of the above factors is conclusive. The statement of a person over 18 as to his/her residence or intent to establish residence shall be accepted in absence of strongly inconsistent evidence of behavior.

- F. Return Home Transportation. At the request of a non-resident applicant(s), temporary or otherwise, for assistance to which he/she would be otherwise entitled under the standards set forth in these Guidelines, the Welfare Official may have the person returned to his/her community of residence per RSA 165:1-c.
- G. Recovery. Any aid given to a non-resident, including the costs of return home transportation, may be recovered from his/her community of residence.

## **XII. WELFARE WORK PROGRAM**

- A. According to New Hampshire RSA 165:31, anyone found eligible for and receiving General Assistance may be required to work for the City of Manchester or other appropriate local human service agencies at any available bona fide jobs that are within his/her capacity as reimbursement for benefits received. Participants in the Welfare Work Program are not considered employees of the City of Manchester, and any work performed by Welfare Work Program participants does not give rise to any employee/employer relationship between the recipient/welfare worker and the City of Manchester.



- B. Required recipient/welfare workers hours are based on the amount of aid rendered and are calculated at the prevailing wage. All hours attributable to Welfare Work participation shall be used to reimburse the City of Manchester for assistance given. No recipient shall work more hours than necessary to reimburse the City of Manchester for aid rendered.
- C. If, due to lack of available work or other verifiable good cause, a recipient does not work a sufficient number of hours to fully compensate the City of Manchester for the amount of his/her aid, the full amount of aid for which he/she is eligible under these standards shall still be paid.
- D. The City shall provide reasonable time during working hours for the recipient to secure work in the labor market.
- E. Refusal to work does not include failure to appear for or to perform under the circumstances listed below. The recipient should, however attempt to schedule appointments so as not to conflict with the Welfare Work Program and must notify his/her Welfare Official in advance of the appointment. The Welfare Official may require recipients to provide documentation of the attendance at a conflicting interview or appointment. The circumstances include when the recipient:
  - 1. Has a conflicting interview for a job possibility
  - 2. Has a conflicting interview at a service or welfare agency
  - 3. Has a medical appointment or illness.
  - 4. Must care for children under the age of five (5). A person responsible for a child over five (5), but under twelve (12) years of age, shall be deemed to have verifiable good cause to refuse to work during the hours the child is not in school, if there is no responsible person available to provide care, and no other care is available.
  - 5. Is unable to work due to mental or physical disability as determined by the Welfare Official, must remain at home because of illness or disability to another member of the household (verified in writing by a physician).
  - 6. Does not possess the materials or tools required to perform the task and the municipality fails to provide for them.
- F. Working hours are subject to approval by the Work Program site supervisor and the recipient. Failure of the recipient to adhere to agreed working hours will prompt review of the recipient's eligibility for General Assistance and/or possible suspension.
- G. The City of Manchester shall provide worker's compensation coverage to participants in the Welfare Work Program in the same manner as such coverage is provided to other City employees.

### **XIII. BURIALS**

Payment for burial of city indigents is limited to \$750.00 when the total cost does not exceed \$1,500.00. All resources available, e.g., relatives, other persons, Department of Health and Human Services, Social Security or other sources as per RSA 165:3 i, ii, will be applied toward reduction of the Department's cost.

### **XIV. NOTICE OF ADVERSE ACTION**

All persons have a constitutional right to be free of unfair, arbitrary or unreasonable action taken by local government. This includes applicants for and recipients of General Assistance whose aid has been denied, terminated or reduced. Every applicant and recipient shall be given written notice of every decision in an effort to ensure that the applicant understands the decision.

#### **A. Action Taken For Reasons Other Than Non-Compliance With The Guidelines.**

- 1) Whenever a decision is made to deny assistance or to refuse to grant the full amount of assistance requested, a notice of the decision shall be given to the applicant immediately or within five (5) working days from the time application is filled out and submitted.
- 2) In any case where the Welfare Official decides to terminate or reduce assistance for reasons other than non-compliance with the Guidelines or misrepresentation, the Welfare Official shall send notice at least (7) days in advance of the effective date of the decision to the recipient stating the intended action.
- 3) The notice required by Paragraph 1) and Paragraph 2) above shall contain:
  - a. A clear statement of the reasons for the denial or proposed termination or reduction.
  - b. A statement advising the individual of his/her right to a Fair Hearing, and that any request for a Fair Hearing must be made in writing within five (5) days.
  - c. A statement advising the individual of the time limits, which must be met in order to receive a Fair Hearing.
  - d. A statement that assistance may continue, if there was initial eligibility, until the date of hearing, if requested by the claimants. Aid must be repaid if the claimant fails to prevail at the hearing.

#### **B. Suspension For Non-Compliance With The Guidelines.**

1. Compliance. Recipients must comply with these Guidelines and the reasonable request of Welfare Officials. Welfare Officials must enforce the Guidelines while ensuring that all recipients and applicants receive due process. Recipients should be given reasonable notice of the conditions and requirements of eligibility and continuing eligibility and notice that non-compliance may result in termination or suspension.

2. Conditions. Any person otherwise eligible for assistance shall become ineligible under RSA 165:1 b if he/she willfully fails to comply with the requirements of these Guidelines relating to the obligation to:
  - a. Disclosure and provide verification of income, resources or other financial material data, including any changes in this information.
  - b. Participate in the Welfare Work Program as assigned by the Welfare Official.
  - c. Comply with the work search requirements imposed by the Welfare Official.
  - d. Apply for other public assistance, which would alleviate the need for General Assistance, as requested by the Welfare Official.
  - e. Failure to keep appointments without verifiable good cause.
3. Notice of Decision (First Notice). No recipient otherwise eligible shall be suspended for non-compliance with conditions unless he/she has been given a written notice of the actions required in order to remain eligible and a seven (7) day period within which to comply. The first notice shall be given at the time of the Notice of Decision and thereafter as the conditions change. Additional notice of actions required should also be given as eligibility is predetermined but without an additional seven (7) day period unless new actions are required.
4. Non-Compliance. If a recipient willfully fails to come into compliance during the seven (7) day period, or willfully falls into noncompliance, the Welfare Official shall give the recipient a suspension notice.
5. Suspension Notice. Written notice to a recipient that he/she is suspended from assistance due to failure to comply with the conditions required in a Notice of Decision (first notice) shall include:
  - a. A list of the requirements with which the recipient is not in compliance and a description of those actions necessary for compliance;
  - b. the period of suspension (see paragraph 6 below);
  - c. notice of the right to a Fair Hearing on the issue of willful non-compliance and that such request must be made in writing to the Welfare Commissioner or Deputy Welfare Commissioner within five (5) days of receipt of the suspension notice;
  - d. a statement that assistance may continue until the Fair Hearing decision is made, if the recipient so requests in writing for a Fair Hearing; however, if the recipient fails to prevail at the hearing, the suspension will start after the decision and such aid must be repaid by the recipient; and

6. Suspension Period. The suspension period for failure to comply with the Guidelines' requirements shall last:
  - a. either 7 days, or 14 days if the recipient has had a prior suspension which ended within the past six (6) months, and
  - b. until the recipient complies with the Guidelines if the recipient, upon the expiration of the 7 or 14 day suspension period, continues to fail to carry out the specific actions set forth in this notice.
  - c. Notwithstanding paragraph b above, a recipient who has been suspended for non-compliance for at least six (6) months may file a new application for assistance without coming back into compliance.
7. Fair Hearing On Continuing Non-Compliance. A recipient who has been suspended until he/she complies with the Guidelines may request a Fair Hearing to resolve a dispute over whether or not he/she has satisfactorily complied with the required Guidelines. However, no assistance shall be available under Paragraph B(5)(d) above. The burden of proof lies with the claimant to show that the Manchester Welfare office was incorrect in their non-assistance of the claimant's request.
8. Compliance After Suspension. A recipient who has been subject to a suspension and who has come back into compliance shall have his/her assistance resumed, provided he/she is still otherwise eligible. The Notice of Decision stating that assistance has been resumed should again set forth the actions required to remain eligible for assistance, but need not provide a seven (7) day period for compliance unless new conditions have been imposed.

## **XV. FAIR HEARINGS.**

- A. Requests. A request for a Fair Hearing is a written expression by the applicant(s) or recipient(s) or any person acting for him/her to the effect that he/she wants an opportunity to present his/her case to a higher authority.
- B. The Fair Hearing Officer. The Fair Hearing Officer shall be assigned by the Welfare Commissioner or the Deputy Welfare Commissioner. The Fair Hearing Officer presiding over the Fair Hearing request must:
  1. Not have participated in the decision causing dissatisfaction.
  2. Be impartial.
  3. Be sufficiently skilled in interviewing to be able to obtain evidence and facts necessary for a fair determination.
  4. Be capable of evaluating all evidence fairly and realistically, to explain to the claimant the laws and regulations under which the Welfare Official operated and to interpret to Welfare Officials any evidence of unsound, unclear or inequitable policies, practices, or actions.

**NOTE:** The Welfare Commissioner or the Deputy Welfare Commissioner will contact other experienced welfare administrators or qualified professionals from New Hampshire, and get a commitment from them to be available to preside over our Fair Hearing cases.

In return, the Manchester Welfare Department will reciprocate when other welfare administrators need a Fair Hearing Officer. The rationale for the above agreement is that other welfare administrators will bring to the Fair Hearing process valuable experience in dealing with welfare matters. They will also be cognizant of the statutes regulating welfare and be able to make judicious impartial decisions.

Another relevant reason for establishing this procedure is the time constraint and availability of a qualified professional who meets all the criteria contained in XIV.B above.

C. Time Limits For Request and Hearing.

1. When an application is denied or when a recipient desires to challenge a decision made by the Welfare Official relative to the receipt of assistance, a request for a Fair Hearing must be received within five (5) working days of receipt of the Notice of Decision at issue.
2. Hearings requested by claimants must be held within seven (7) working days of the receipt of the request. The Welfare Official shall give notice to the claimant setting forth time and location of the hearing. The notice must be given to the claimant at least forty-eight (48) hours in advance of the hearing or mailed to the claimant last known address at least seventy-two (72) hours in advance of the hearing.

D. Fair Hearing Procedures

1. Claimant Access to Information. Prior to a Fair Hearing, a claimant or his/her duly authorized representative has the right to examine all records, papers and documents from the claimant's case file which either party may wish to introduce at the Fair Hearing as well as available documents not contained in the case file, but relevant to the action of the Welfare Official, which is the basis for the claimant's complaint.

The claimant may introduce any such documents, papers or records into evidence. No record, paper or document, which the claimant has not been allowed to examine prior to the hearing, shall be introduced at the hearing or become part of the record.

2. Welfare Department Access to Information. The Welfare Official (or a duly authorized representative) shall have the right to examine at the Fair Hearing all documents on which the claimant plans to rely at the Fair Hearing and may request a twenty-four (24) hour continuance if such documents contain evidence not previously provided or disclosed by the claimant.

3. Procedures For Fair Hearings.

- a. All Fair Hearings shall be conducted in such a manner as to ensure due process of law.
- b. Fair Hearings shall not be conducted according to strict rules of evidence. However, in order to protect the right of cross-examination, the Fair Hearing Official shall not rely solely upon any hearsay evidence in making a decision if any party objects to its introduction.
- c. The burden of proof shall be on the claimant who shall be required to establish his/her case by a preponderance of the evidence.
- d. The Welfare Official responsible for the decision complained of shall attend the hearing and testify about his/her actions and the reasons therefore.
- e. Both parties shall be given the opportunity to offer evidence and explain their positions.
- f. The claimant or his/her representative and the Welfare Official or his/her representative shall have the opportunity to examine all records and documents used at the hearing. The claimant shall have the opportunity to present his/her own case or at the claimant's option, with the aid of others and to bring witnesses to establish all pertinent facts, to advance any arguments, without undue interference, to question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.
- g. The decision of the Fair Hearing Officer must be based solely on the record in light of these Guidelines. Evidence, both written and oral, which is admitted at the hearing shall be the sole contents of the records. The Hearing Officer shall not review the case record or other materials prior to introduction at the hearing.
- h. The parties may stipulate to any facts.
- i. Any claimant may withdraw in writing his/her request for a Fair Hearing at any time up to the time of the hearing. A claimant who fails to appear for any scheduled Fair Hearing shall be deemed to have withdrawn his request for such a hearing.

- j. A claimant who believes he has verifiable good cause to request a continuance or postponement of a scheduled Fair Hearing shall contact the Welfare Official at the earliest possible time prior to the hearing. Upon verifiable good cause shown, the Welfare Official may reschedule such hearing, however, the claimant is entitled to only one (1) such postponement or continuance per Fair Hearing request. Verifiable good cause shall include, but not necessarily be limited to, demonstrated medical emergency, or other demonstrated unforeseen circumstances, which reasonably prevents the claimant from attending such scheduled hearing. A claimant shall provide documentation of such circumstances to the satisfaction of the Welfare Official no later than 72 hours after the request for postponement is made. If the claimant does not provide documentation of such circumstances to the Welfare Official within 72 hours, then the request shall be deemed withdrawn by the claimant.

#### 4. Decisions

- a. Fair Hearing decisions shall be rendered within five (5) working days of the hearing. Decisions shall be in writing, setting forth the reasons for decisions and the facts on which the Fair Hearing Officer relied in reaching his/her decision. A copy of the decision shall be mailed or delivered to the claimant and to the Welfare Official.
- b. Fair Hearing decisions will be rendered on the basis of the officer's findings of fact, these Guidelines and state and federal law. The Fair Hearing decision shall set forth appropriate relief.
- c. The decision shall be dated. In the case of a hearing to review a denial of aid, the decision is retroactive to the date of the action being appealed. If a claimant fails to prevail at the hearing, the assistance given pending the hearing shall be a debt owed by the individual to the municipality.
- d. The Welfare Official shall keep all Fair Hearing decisions on file in chronological order.
- e. None of the procedures specified herein shall limit any right of the claimant to subsequent court action to review or challenge the adverse decision.

## **XVI. LIENS**

- A. Real Estate. (RSA 165:28). The law requires the City to place a lien for welfare aid received on any real estate owned by an assisted person in all cases except for verifiable just cause and approved by the Welfare Commissioner or the Deputy Welfare Commissioner. (This section does not authorize the placement of a lien on the real estate of legally liable relatives, as defined by RSA 165:19). The Welfare Official shall file a Notice of Lien with the County Registry of Deeds, complete with the owner's name and description of the property sufficient to identify it. Interest at the rate of 6% per year shall be charged on the amount of money constituting the lien commencing one year after the date the lien is filed, unless waived by the City. The lien remains in effect until enforced or released or until the amount of the lien is repaid to the City. The lien shall not be enforced so long as the real estate is occupied as the sole residence of the assisted person, his/her surviving spouse, or his/her surviving children who are under age 18 or blind or permanently and totally disabled. The Registrar of Deeds shall keep a suitable record of such notices without charging any fee therefor, and he/she shall enter an acknowledgment of satisfaction of the lien upon written request of the Welfare Official without fee (RSA 165:28). At such time as the lien may become enforceable, the Welfare Official shall attempt to contact the attorney handling the real estate or estate before enforcing the lien. Upon repayment of a lien, the City must file written notice to discharge the lien with the County Registry of Deeds.
- B. Civil Judgments. (RSA 165:28a).
1. The City of Manchester shall be entitled to a lien upon property passing under the terms of a will or an intestate succession, a property settlement, or civil judgment of personal injuries (except workers' compensation) awarded any person granted assistance by the City for the amount of assistance granted by the City.
  2. The City of Manchester shall be entitled to the lien only if the assistance was granted no more than six (6) years before the receipt of the inheritance or award of the property settlement or civil judgment. When the Welfare Official becomes aware of such a claim against a civil judgment he/she shall contact the attorney representing the recipient.
  3. The lien shall take precedence over all other claims.

## **XVII. PROCEDURE FOR BILLING AND RECOVERING FROM GOVERNMENT UNIT OF RESIDENCE OR RELATIVES.**

- A. A municipality may recover the amount of money spent to support a person, who has a residence in another municipality, from the municipality of residence. A municipality may also recover the amount of support from a liable relative. A liable relative may be a father, mother, stepfather, stepmother, husband, wife, or child (who is no longer a minor) of sufficient ability to also support the assisted person. Sufficient ability shall be deemed to exist when the relative's weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. Written notice of money spent in support of an assisted person must be given to the liable relative. The Welfare Official shall make reasonable efforts to give such written notice prior to the giving of aid, but aid to which an applicant is entitled under these Guidelines shall not be delayed due to inability to contact liable relatives. In any civil action for recovery brought under RSA 165:20, the court shall award costs to the prevailing party. RSA 165:19 and RSA 165:20. (See RSA 165:20-a, providing for arbitration of such disputes between communities).



- B. A former or current recipient who is returned to an income status after receiving assistance agrees to reimburse the City for the assistance provided. (RSA 165:20)
- C. Any legal action to recover must be filed in a court within 6 years after the expenditure.
- D. The amount of money spent by a municipality to support a person who has made initial application for SSI and has signed an Interim Assistance Program Reimbursement Form, shall be recovered through the SSA and Department of Health and Human Services. There shall be no delay, refusal or termination of assistance while the Welfare Official is pursuing the statutory remedies to secure reimbursement from responsible relatives or from the municipality of residence.

#### **XVIII. APPLICATION OF RENTS PAID BY THE CITY OF MANCHESTER**

- A. Whenever the owner of property rented to a person receiving assistance from the City of Manchester is in arrears in sewer, water, tax payments or other debts owed to the City, the City may apply the assistance which the property owner would have received in payment of rent on behalf of such assisted person to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person. (RSA 165:4-a)
- B. A payment shall be considered in arrears if more than thirty (30) days have elapsed since the mailing of the bill, or in the case of real estate taxes, if interest has begun to accrue pursuant to RSA 76:13. (RSA 165:4-a)
- C. Delinquent property tax balances will be first priority, followed by delinquent sewer/water balances and other City-owned debts.
- D. Procedure
  - 1. The Welfare Official will issue a voucher on behalf of the tenant to the landlord for allowed amount of rent. The voucher will indicate any amount to be applied to a delinquent balance owed by the landlord, specifying which delinquency and referring to the authority of RSA 165:4-a
  - 2. The Welfare Official will issue a duplicate voucher to the appropriate department (i.e., Tax Collector, Water Department), which shall issue a receipt of payment to the delinquent landlord.

#### **XIX. DEPARTMENT FRAUD POLICY**

Cases of suspected fraud, including but not limited to false statements regarding income, employment status, residence, household members and bank accounts or other assets, shall be reported to the Manchester Police Department and/or any other appropriate law enforcement agency for prosecution. When reporting suspected fraud the Welfare Department will provide all appropriate records and documents in its possession to the Manchester Police Department or other law enforcement agency.

## **XX. WELFARE APPLICATION SIGNATURE REQUIREMENTS**

The Application for general assistance must be signed by all adult members of the household. When multiple adults comprise a household seeking general assistance from the City of Manchester Welfare Department, each adult member of the household must sign where required on the Application form, 3 areas on page 7 and 2 areas on page 8.

Any adult household member who cannot come into the Welfare office to sign the Application form, must sign the required areas on pages 7 and 8 where indicated and have his/her signature notarized.

## **XXI. IMMIGRATION LAWS**

The Welfare Department acts in accordance with Federal laws concerning assistance to immigrants.

## **XXII. PRE-APPROVAL TO SUPERCEDE GUIDELINES**

If through emergency, necessity or unusual circumstances, the Guidelines need to be superceded, the Welfare Official(s) must obtain pre-approval from the Welfare Commissioner or Deputy Welfare Commissioner.

### **Appendix 1 – RSA 165**

Can be accessed online at [www.gencourt.state.nh.us/rsa/html/indexes/default.asp](http://www.gencourt.state.nh.us/rsa/html/indexes/default.asp)

### **Appendix 2 – RSA 641**

Can be accessed online at [www.gencourt.state.nh.us/rsa/html/indexes/default.asp](http://www.gencourt.state.nh.us/rsa/html/indexes/default.asp)